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C O P Y

OGC HAS REVIEWED.

19 July 1955

MEMORANDUM FOR: The Director of Personnel

SUBJECT: 25X1A6a Movement to [REDACTED] of Dependents of Personnel
Assigned to [REDACTED]

- REFERENCES:
- (a) Memorandum to OGC from Director of Personnel, subject as above, dated 15 June 1955
 - (b) Memorandum to Director of Personnel from Chief, PE, subject as above, dated 5 May 1955
 - 25X1A6c (c) Dispatch ([REDACTED] to Chief, PE, from Chief, Support Mission, related subjects, dated 1 June 1955)

25X1A8a 1. The problem as presented by your memorandum and amplified in discussion with the Chief and Deputy Chief, [REDACTED], is to determine whether there is any legal and proper way in which, where Agency employees are assigned to [REDACTED], their dependents can be transported to [REDACTED] and there furnished quarters on a par with dependents of other Agency personnel who are assigned to [REDACTED]. Discussion with [REDACTED] indicates that this query arises from the attempt to find a solution to the problem arising from the following factual situation.

25X1A6a 2. The bulk of CIA employees in [REDACTED] are under [REDACTED]. The United States [REDACTED] do not permit shipment of dependents to [REDACTED], either for government or civilian personnel. [REDACTED] does allow dependents, but this affects only a handful of CIA employees. It is proving difficult, and may become impossible, to staff Agency positions in [REDACTED] with officers of the requisite experience and maturity. When confronted with the possibility of extended separation from their dependents, most CIA employees approached by [REDACTED] have refused assignment. [REDACTED] believes that the authority to ship dependents to [REDACTED] might be a sufficient inducement to attract personnel of the desired caliber.

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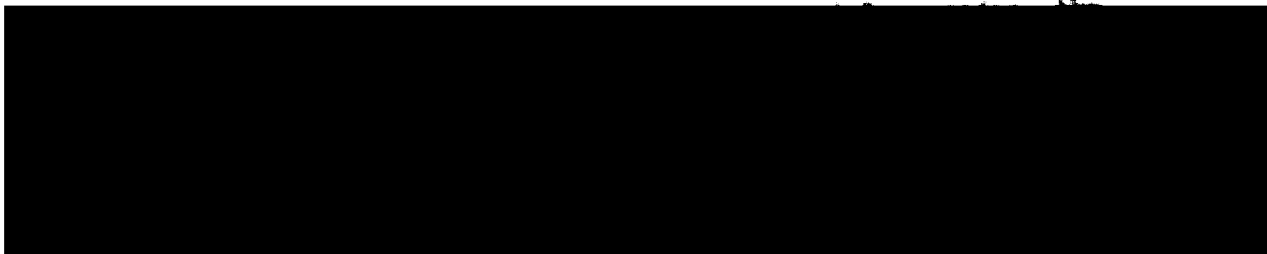
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4. A reading of the cited regulation indicates an expectation in its provisions that employees and their dependents will be residing together, an expectation probably justified in the usual case. There is neither a grant nor a denial of the specific authority to quarter dependents alone when the employee falls within the purview of the regulation. We can look then only to the general body of legislation and Governmental policy for guidance.

5. The historical development of additional compensation for civilian employees of the Government assigned abroad, whether in terms of special allowances or (as with quarters) in kind, has been that of gradually expanded privileges. Under such circumstances, the grants of privilege must be strictly construed and, in practice, they have been. For corroboration, one need only examine, e.g., the "qualifying" rules for dependents for whom travel or quarters privileges are sought. Through the legislation and the administrative determination runs the principle of the "household", a group of people who go with the employee, but who have, for this purpose, no separate legal entitlements. Although unforeseen situations, such as the temporary detail of the employee from his duty station to another, or the emergency evacuation of dependents, because of dangerous conditions arising in the area of the employee's duty station, may result in the temporary provision of quarters for dependents separate from the employee, we can find no sanction in legislation nor in the practice of other agencies for the planned provision of quarters for dependents at anyplace other than the employee's permanent duty station.



7. The factual pivot upon which this case turns is simply this: personnel qualified for service is [redacted] are refusing to accept assignment, and the authority to ship their families to [redacted] would provide an inducement of unknown efficiency, which might lead them to change their minds. The disinclination to be separated from dependents is a fairly widespread emotion, and all Government agencies are faced with problems resulting from its prevalence. In [redacted] itself, today, all U. S. Government agencies (other than the Department of State) must operate, and are operating, despite this obstacle. Granting the special qualifications required for Agency tasks, this factor alone is not sufficient ground for authorizing what would otherwise be improper. Not unless and until all reasonable alternatives are exhausted

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25X1A and found ineffective, and our functioning in [REDACTED] is seriously in danger of impairment, would a situation exist warranting the exercise of the Director's special powers for resolution -- and even then, it is not certain that the proper resolution would be that proposed.

25X1A 8. The concept of the Career Staff seems designed to meet the very problem here presented; its members "have the obligation to serve anywhere and at any time and for any kind of duty as determined by the needs of the Organization" [REDACTED] its application would seem to fall within the category of "reasonable alternatives".

9. Reference (c) is returned herewith.

/s/25X1A9a

[REDACTED]
Office of General Counsel

Attachment - 1

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